



State of Utah

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*Governor*

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*Lieutenant Governor*

Department of  
Environmental Quality

Amanda Smith  
*Executive Director*

DIVISION OF AIR QUALITY  
Bryce C. Bird  
*Director*

DAQ-037-13

**MEMORANDUM**

**TO:** Air Quality Board

**THROUGH:** Bryce C. Bird, Executive Secretary

**FROM:** Joel Karmazyn, Environmental Scientist

**DATE:** May 21, 2013

**SUBJECT:** FINAL ADOPTION: R307-357. Consumer Products.

The purpose for this rule is to reduce volatile organic compounds (VOCs) from manufacturing and sales of consumer products. Consumer products account for 7,937 tons per year of VOCs for the PM<sub>2.5</sub> nonattainment counties.

On February 6, 2013, the Board approved the release of the rule for public comment. The Board also sought input regarding the inclusion of a ban for certain toxic compounds. The public comment period was from March 1 to April 1, 2013. The Wasatch Clean Air Coalition was the sole commenter regarding the inclusion of toxics in the rule, and they support the inclusion of toxics in the rule.

A public hearing was held on March 13, 2013. One commenter representing Ogden Beauty Supply provided comments opposing a limit on VOC content of hair spray. That commenter also provided written comments which are addressed below.

DAQ received many comments on this rulemaking. A number of these commenters provided in-depth comments which required staff-stakeholder communications after the close of the public comment period to find resolutions. The following provides a summary of the comments and our responses.

**Public Comments**

**Support Rulemaking:** Five individuals provided written comments supporting this rulemaking to improve air quality.

Opposed to Rulemaking: Three individuals provided written comments stating that regulating consumer products was over reaching. Two of the commenters do not believe that consumer products can contribute to atmospheric VOCs.

Opposed to Regulating the VOC content of Hair Spray: The rule includes reducing the VOC content of hair spray from 80% to 55%. Eleven individuals provided written comments opposing VOC reduction in hair spray. Of these eleven, two represent the Ogden Beauty Supply (a retail supplier), and three are cosmetologists who cater to older clients who maintain hair styles that require the current 80% VOC formulation. We also received dozens of verbal comments from consumers opposing VOC content limit regulation in hair spray.

The common concerns are:

1. Lower VOC content hair sprays don't work. The cosmetologists and retail supplier stated that this re-formulation would ruin their business.

Response: Hair spray manufacturers have two options to reduce VOCs: they can replace the VOCs with water or they can use a higher cost, low VOC propellant. Replacing the VOCs with water is the lower cost option which results in what is commonly referred to as a wet spray. It is this wet spray that these commenters oppose because it will not hold certain hair styles. Manufacturers have the option of using alternate low VOC content propellants that cost the manufacturers 20-35% more (verbal communications with Rushi Tasker, Vice President of R&D at Zotos International). We are aware of one manufacturer who chose to reformulate to the low VOC propellant seven years ago in order to avoid the wet spray. Consequently, existing consumer product(s) could replace the current 80% VOC containing hair spray for certain hair styling.

2. Indoor hair spray use cannot affect atmospheric VOC.

Response: Buildings are vented to the atmosphere. Indoor use of VOCs eventually work their way to the outdoors, which is why staff is proposing a consumer products rule.

3. There is not enough hair spray use to be a significant source of VOCs. DAQ should focus on greater VOC sources.

Response: In order to determine how much VOCs come from hair spray, staff asked Mr. Matt Tribe of Ogden Beauty Supply (an opponent to the hair spray limit) how many cans of one pound hair spray he sells in a year. Because we do not know how many customers use an entire one pound can in a year and because not all the propellant escapes a can when the can no longer deliver its product, we conservatively assumed that the VOC content in the cans sold by Ogden Beauty Supply was only 55% instead of the actual 80% VOC being sold in Utah. Based on that information, it was calculated that the amount of VOCs entering the atmosphere annually from the sale of hair spray from the Ogden Beauty Supply is 3,100 pounds per year (number of cans sold a year multiplied by 0.55 pound/can). Mr. Tribe stated that his business is relatively small; none the less, we conservatively assume that the sale of hair spray at Ogden Beauty Supply is comparable to that of the major drug stores, pharmacies, and supermarkets. According to Work Force Services, there are 110 drug stores and pharmacies, 145 supermarkets, and 319 beauty salons in Salt Lake County, for a total of 574 likely hair spray outlets (beauty supply stores not included). If we combine the number of drug stores and supermarkets (255) and multiply that by 3,100 pounds, the amount of VOCs emitted from those sales is 790,500 pounds per year. If we assume that beauty salons contribute another 5%, that brings the total for Salt Lake County hair spray VOC emission to 830,025 pounds per year. If we further conservatively assume that

the remaining six nonattainment counties combined VOC hair spray emissions are the same as Salt Lake County, we have a total of 1,660,050 pounds or 830 tons per year.

The Air Quality Board has approved VOC area source rulemaking with smaller or similar VOC footprints. This table shows previous rulemaking that the Board determined was justified for small business sectors with smaller footprints than hair spray.

Regulated Industry	Rule Number	VOC's Tons/yr in Nonattainment Areas for year 2014	Regulation Cost (\$/ton)
Magnet Wire Coatings	R307-348	6.6	\$6,560
Large Appliance Surface Coatings	R307-347	22.2	\$2,020
Commercial Cooking	R307-303	34.5	\$ 2,028
Flat Wood Panel Coating	R307-350	47.2	\$2,110
Metal Container Coating	R307-352	105.5	\$3,221
Appliance Pilot Light	R307-356	146.8	Cost Neutral
Automotive Refinishing Coatings	R307-354	587	\$2,500
Graphic Arts	R307-351	611	\$5,890
Wood Furniture Manufacturing	R307-343	671.5	\$2,260

We can conclude from this analysis that VOC emission from hair spray is not inconsequential.

### **Community Organization Comments**

#### ***Wasatch Clean Air Coalition (WCAC)***

The WCAC was the sole community organization that provided comments. The WCAC supports the rule. WCAC comment:

1. R307-357-5 Charcoal lighter material should be listed in Table 1, with this section referenced, as in the Ozone Transport Commission model rule.

Response: The format of R307-357-5 is not consistent with the numerical limitations of Table 1.

### **Industrial Stakeholder Comments**

#### ***Zotos International***

1. Zotos International, Director of Sales and Education submitted a comment opposing the VOC reduction in hair spray because the 55% VOC content hair spray is inferior. Zotos is a skin care, cosmetic and hair care manufacturer.

Response: We acknowledge that a 55% VOC hair spray is not suitable for certain hair styling; however, there are alternate products available for those hair styles. In fact, Joico, a division of Zotos, manufactures a low VOC propellant product that is available to consumers.

***Consumer Specialty Products Association (CSPA)***

CSPA represents approximately 230 companies engaged in the manufacture, formulation, distribution, and sale of products for household, institutional, commercial and industrial use. CSPA member companies' wide range of products includes home, lawn and garden pesticides, antimicrobial products, air care products, automotive specialty products, detergents and cleaning products, polishes and floor maintenance products, and various types of aerosol products. Therefore, CSPA members account for 75% of the products impacted by this rule. CSPA stated that it "supports adoption of consumer products regulations that are consistent with the OTC Model Rule and the U.S. EPA National Consumer Products Rule." CSPA submitted the following comments:

1. The proposed regulation omits 10 important product category definitions; therefore, CSPA urges the DAQ to add those definitions in the final rule.

Response: Fabric refresher and footwear or leather care products are the only two definitions excluded in the rule. The remaining definitions are included but have been abbreviated from the OTC model rule because they were considered to be overly extensive. Staff re-evaluated the definitions and determined that:

- Fabric refresher should be added.
  - The definition for footwear or leather care products is not necessary because the category is obvious.
  - The full recommended text for graffiti remover should be added because it does make distinction between other product categories that may also be considered suitable for removing graffiti.
  - The definition for sanitizer should be amended to clarify the differences between sanitizers, disinfectants, and a variety of cleaning agents that may also make sanitizing and anti-microbial claims.
  - The definition of multi-purpose solvent has been revised along the line of the OTC model rule. Solvent degreasing suggested language was not included because the degreasing rule R307-335 addresses solvent degreasing substances.
  - The definition for paint thinner has been amended per OTC model rule update.
2. The proposed regulation includes two older definitions for the "Multi-purpose Solvent" and the "Paint Thinner" product categories. CSPA strongly urges the DAQ to delete these two obsolete definitions and to replace them with the recently revised definitions that are included in the OTC 2014 Model Rule.

Response: The rule has been amended to reflect the recently revised definitions.

3. The definition for "General Purpose Degreaser" and "Lubricant" should be revised to require a label statement that is identical to the statement required by the OTC 2014 Model Rule and the California Air Resources Board (CARB) regulation.

Notation: Ecolab and RSC made the same comment.

Response: Agreed. The definitions have been amended.

4. Changes to Table 1 in R307-357-4.

- Delete the liquid limit for oven or grill cleaner because the non-aerosol category better describes the pump spray form of the product.

Notation: Ecolab made a similar comment.

Response: Agreed. This is consistent with the OTC 2014 model rule.

- Delete the conjunction “and” in the rubber and vinyl protectants and replace it with the disjunctive “or.” This revision will communicate clearly there are two mutually exclusive alternatives.

Response: Agreed.

5. The sell-through date in R307-357-4(4) should correspond to that rule effective date of September 1, 2014.

Response: Agreed.

6. DAQ should revise the proposed requirements of R307-357-7(2) and R307-357-9(2) to require a manufacturer claiming an innovative product or a variance to submit upon request a copy of the CARB decision document.

Notation: S.C. Johnson and Son, Inc. made the same request.

Response: Agreed.

7. CSPA suggests the following change in R307-357-2, “ applies to any person who sells, supplies, offers for sale, distributes for sale, or manufactures for sale consumer products on or after the effective date in Table 1 and is located for use in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties.”

Response: Agreed.

8. CSPA suggests the addition of two provisions that requires manufacturers to formulate products to comply with the lowest applicable VOC limit (consistent with statements represented on the product label). These should be added to R307-357-10.

Notation: S.C. Johnson and Son, Inc. made the same request.

Response: Agreed. This is consistent with the OTC 2014 model rule.

***Hill Air Force Base***

1. Institutional users purchase products in large quantities that are transferred to smaller containers as needed. The exemption in R307-356-6 for one fluid ounce or less of adhesive should not be based on sales. Strike the word “sold.”

Response: Agreed.

2. There is a typo in R307-357-9, 17 CCR 94511 should be changed to 17 CCR 94514.

Response: Agreed.

3. ASTM method D4359-90 has been updated to D4359-90(2012).

Response: Agreed.

***S.C. Johnson and Son, Inc.***

The S.C. Johnson and Son, Inc. company is a leading manufacturer of household cleaning and insect control products. S.C. Johnson and Son, Inc. provided a statement of support that this rulemaking "is largely consistent with the provisions of the OTC 2014 Model Rule." It also stated it supports the CSPA comment on using the OTC 2014 model rule definitions.

1. DAQ proposes a VOC emission limit (% by weight) for non-aerosol bathroom & tile cleaner products of 5% versus the 1% limit included in the OTC 2014 model rule. For purposes of consistency, S.C. Johnson and Son, Inc. recommends the lower VOC limit for this product category to align with the 1% limit set by both CARB and the OTC 2014 model rule.

Response: Agreed.

***Ecolab***

Ecolab offers technological solutions for water, hygiene, and energy. Ecolab stated that it supports consistent VOC rules throughout the United States. Ecolab provided several comments that mirror those of CSPA on definitions and the limit for oven and grill limit in Table 1.

***Radiator Specialty Company (RSC)***

Radiator Specialty Company is a manufacturer and marketer of household, industrial, and automotive specialty chemical products. RSC produces specialty chemical products for both retail and commercial applications. RSC stated that it supports consistent VOC regulation throughout the USA.

1. RSC requests that DAQ add or modify the following definitions to maintain consistency with the OTC: brake cleaner, general purpose degreaser, and lubricant.

Response: The RSC recommendation for break cleaner is identical to that in the rule. The recommended language change for general purpose degreaser and lubricant are identical with the comments made by CSPA .

***Stoner***

Stoner manufactures specialized cleaners, lubricants, and coatings for industrial, commercial, and consumer applications. Stoner stated that it supports consistent VOC regulation throughout the nation. Stoner provided the same comments as CSPA regarding the definitions for general purpose degreaser and lubricants. Stoner also supports the effective date in the rubber/vinyl protection aerosol category until January 1, 2016.

### ***WD-40 Company***

WD-40 Company is a national marketer of numerous major brands of consumer products. WD-40 Company supports consistent VOC regulations and requested the same changes to definitions as those presented by CSPA.

### ***National Aerosol Association (NAA)***

NAA is an industry group trade association for aerosol products. The NAA represents marketers, manufacturers, fillers, and suppliers to the aerosol market. The NAA requested the same changes to definitions as those presented by CSPA. The NAA also supports the effective date in the rubber/vinyl protection aerosol category until January 1, 2016.

### ***American Coatings Association (ACA)***

ACA represents national manufacturers of adhesives. ACA requested the same changes to the definitions for paint thinner and multi-purpose thinner as those presented by CSPA. ACA provided additional comments.

1. Remove the 3% limit for paint thinner due to safety reasons. The 3% limit will force painters and consumers to move from mineral spirit based paint thinners and multi-purpose solvents to acetone and methyl acetate which may increase the incidence of fires, destruction of property, injuries, and deaths. Many alkyds in architectural coatings can still be sold and used in Utah. As a result, contractors and consumers need to be able to thin these alkyd products with effective, higher VOC paint thinners. The 3% limit will limit thinners to exempt solvents, primarily acetone, which is problematic since CARB specifically noted that thinning with pure acetone negatively impacts coating performance. ACA therefore suggests Utah not adopt the 3% limit since contractors and consumers will not be able to properly thin the alkyd coatings that are still available in Utah.

Response: Utah does not currently have a rule in place for architectural coatings. In the absence of a rule, these alkyds could be used. We have re-evaluated the need to pursue an architectural coating rule and determined that this would be a prudent course of action in the near future. In the meantime, we are concerned that the safety issue is valid; therefore, we are proposing to amend the rule by applying the current CARB value of 30% and postpone the reduction to 3% until 2016. The phased-in reduction was recommended by one of the OTC task group members who are actively engaged in the OTC rule development. The rationale for the ultimate VOC reduction is that paint thinners are a large source of VOCs.

2. The paint thinner and multi-purpose solvent regulations are intended to cover "consumer" related paint thinners and multi-purpose solvents – solvents that consumers can purchase. It is important that the applicability provisions specifically exempt paint thinners and multi-purpose solvents used in "shop applications" or Original Equipment Manufacturing (OEM) surface coating operations where higher VOC thinners and multi-purpose solvents are still needed for proper paint application and equipment cleaning.

Response: The amended definitions for paint thinner and multi-purpose solvents make it clear that this rule applies to general consumers. For example, the definition of paint thinner states, "products that are sold in containers with a capacity of 5 gallons or more and labeled exclusively for the thinning of Industrial Maintenance Coatings, Zinc-Rich Primers, or High Temperature Coatings" are exempt.

Shop applications and OEMs are also addressed in other rules like the autobody refinishing rule R307-354. No further action is warranted.

3. ACA has interpretations from CARB that paint thinners labeled exclusively for auto refinish and marine applications are exempt from the consumer product paint thinner and multi-purpose thinner regulations. ACA requests a similar interpretation or specifically include an auto refinish and marine applications exemption.

Response: The definitions in the rule are specific. Neither the CARB nor the OTC rule describes these categories in either the definitions or exemptions. No further action is warranted.

Recommendation: Staff recommends the Board adopt R307-357 as amended.



1 **R307. Environmental Quality, Air Quality.**

2 **R307-357. Consumer Products.**

3 **R307-357-1. Purpose.**

4 The purpose of this rule is to reduce volatile organic  
5 compound (VOC) emissions from consumer products.

6  
7 **R307-357-2. Applicability.**

8 R307-357 applies to any person who sells, supplies, offers  
9 for sale, distributes for sale, or manufactures for sale  
10 consumer products on or after the effective date in Table 1 [~~and~~  
11 ~~is located~~] for use in Box Elder, Cache, Davis, Salt Lake,  
12 Tooele, Utah, and Weber counties.

13  
14 **R307-357-3. Definitions.**

15 The following additional definitions apply to R307-357:

16 "Adhesive" means any product that is used to bond one  
17 surface to another by attachment.

18 (1) Adhesive does not include products used on humans and  
19 animals, adhesive tape, contact paper, wallpaper, shelf liners,  
20 or any other product with an adhesive incorporated onto or in an  
21 inert substrate.

22 (2) For contact adhesive, construction, panel, and floor  
23 covering adhesive and general purpose adhesive only, adhesive  
24 also does not include units of product, less packaging, which  
25 consist of more than one gallon. This limitation does not apply  
26 to aerosol adhesives.

27 "Adhesive remover" means a product designed exclusively for  
28 the removal of adhesives, caulk and other bonding materials from  
29 either a specific substrate or a variety of substrates.

30 "Aerosol adhesive" means an aerosol product in which the  
31 spray mechanism is permanently housed in a nonrefillable can  
32 designed for hand-held application without the need for  
33 ancillary hoses or spray equipment.

34 "Aerosol cooking spray" means any aerosol product designed  
35 to reduce sticking on cooking and baking surfaces and is applied  
36 on cooking surfaces, baking surfaces, or food.

37 "Aerosol Product" means a pressurized spray system that  
38 dispenses product ingredients by means of a propellant or  
39 mechanically induced force but does not include pump sprays.

40 "Agricultural use" means the use of any pesticide or method  
41 or device for the control of pests in connection with the  
42 commercial production, storage or processing of any animal or  
43 plant crop.

44 (1) Agricultural use does not include the sale or use of  
45 pesticides in properly labeled packages or containers which are  
46 intended for:

47 (a) Home use;

1 (b) Use in structural pest control;

2 (c) Industrial; or

3 (d) Institutional use.

4 (2) For the purposes of this definition only:

5 (a) "Home use" means use in a household or its immediate  
6 environment.

7 (b) "Structural pest control" means a use requiring a  
8 license under state or federal pesticide licensing requirements.

9 (c) "Industrial use" means use for or in a manufacturing,  
10 mining, or chemical process or use in the operation of  
11 factories, processing plants, and similar sites.

12 (d) "Institutional use" means use within the lines of, or  
13 on property necessary for the operation of buildings such as  
14 hospitals, schools, libraries, auditoriums, and office  
15 complexes.

16 "Air freshener" means any product, including, but not  
17 limited to, sprays, wicks, wipes, diffusers, powders, and  
18 crystals, designed for the purpose of masking odors, or  
19 freshening, cleaning, scenting, or deodorizing the air.

20 (1) Air freshener does not include products that are used  
21 on the human body, products that function primarily as cleaning  
22 products as indicated on the product label, or odor  
23 remover/eliminator products.

24 "All other carbon containing compounds" means all other  
25 compounds which contain at least one carbon atom and are not a  
26 VOC defined compound or a LVP-VOC.

27 "All other forms" means all consumer product forms for  
28 which no form specific VOC standard is specified, and unless  
29 specified otherwise by the applicable VOC standard, all other  
30 forms include, but are not limited to, solids, liquids, wicks,  
31 powders, crystals, and cloth or paper wipes (towelettes).

32 "Antimicrobial hand or body cleaner or soap" means a  
33 cleaner or soap which is designed to reduce the level of  
34 microorganisms on the skin through germicidal activity. (1)

35 Antimicrobial hand or body cleaner or soap includes, but is not  
36 limited to:

37 (a) Antimicrobial hand or body washes and cleaners;

38 (b) Foodhandler hand washes;

39 (c) Healthcare personnel hand washes;

40 (d) Pre-operative skin preparations; and

41 (e) Surgical scrubs.

42 (2) Antimicrobial hand or body cleaner or soap does not  
43 include prescription drug products, antiperspirants,  
44 astringent/toner, deodorant, facial cleaner or soap, general-use  
45 hand or body cleaner or soap, hand dishwashing detergent  
46 (including antimicrobial), heavy-duty hand cleaner or soap,  
47 medicated astringent/medicated toner, or rubbing alcohol.

1 "Antiperspirant" means any product including, but not  
2 limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and  
3 squeeze bottles, that is intended by the manufacturer to be used  
4 to reduce perspiration in the human axilla by at least 20  
5 percent in at least 50 percent of a target population.

6 "Anti-static product" means a product that is labeled to  
7 eliminate, prevent, or inhibit the accumulation of static  
8 electricity.

9 "Architectural coating" means a coating applied to  
10 stationary structures and their appurtenances, to mobile homes,  
11 to pavements, or to curbs.

12 "ASTM" means the American Society for Testing and  
13 Materials.

14 "Astringent/toner" means any product not regulated as a  
15 drug by the United States Food and Drug Administration (FDA)  
16 which is applied to the skin for the purpose of cleaning or  
17 tightening pores.

18 (1) This category also includes clarifiers and substrate-  
19 impregnated products.

20 (2) This category does not include any hand, face, or body  
21 cleaner or soap product, medicated astringent/medicated toner,  
22 cold cream, lotion, or antiperspirant.

23 "Automotive hard paste wax" means an automotive wax or  
24 polish that is:

25 (1) Designed to protect and improve the appearance of  
26 automotive paint surfaces;

27 (2) A solid at room temperature; and

28 (3) Contains 0% water by formulation.

29 "Automotive instant detailer" means a product designed for  
30 use in a pump spray that is applied to the painted surface of  
31 automobiles and wiped off prior to the product being allowed to  
32 dry.

33 "Automotive rubbing or polishing compound" means a product  
34 designed primarily to remove oxidation, old paint, scratches or  
35 "swirl marks," and other defects from the painted surfaces of  
36 motor vehicles without leaving a protective barrier.

37 "Automotive wax, polish, sealant or glaze" means a product  
38 designed to seal out moisture, increase gloss, or otherwise  
39 enhance a motor vehicle's painted surfaces. (1)

40 Automotive wax, polish, sealant or glaze includes, but is not  
41 limited to, products designed for use in autobody repair shops,  
42 drive-through car washes and products designed for the general  
43 public.

44 (2) Automotive wax, polish, sealant or glaze does not  
45 include automotive rubbing or polishing compounds, automotive  
46 wash and wax products, surfactant-containing car wash products,  
47 and products designed for use on unpainted surfaces such as bare

1 metal, chrome, glass, or plastic.

2 "Automotive windshield washer fluid" means any liquid  
3 designed for use in a motor vehicle windshield washer system  
4 either as an antifreeze or for the purpose of cleaning, washing,  
5 or wetting the windshield but does not include fluids placed by  
6 the manufacturer in a new vehicle.

7 "Bait station insecticide" means containers enclosing an  
8 insecticidal bait that is not more than 0.5 ounce by weight,  
9 where the bait is designed to be ingested by insects and is  
10 composed of solid material feeding stimulants with less than 5%  
11 active ingredients.

12 "Bathroom and tile cleaner" means a product designed to  
13 clean tile or surfaces in bathrooms but does not include  
14 products specifically designed to clean toilet bowls or toilet  
15 tanks.

16 "Brake cleaner" means a cleaning product designed to remove  
17 oil, grease, brake fluid, brake pad material or dirt from motor  
18 vehicle brake mechanisms.

19 "Bug and tar remover" means a product designed to remove  
20 either or both of the following from painted motor vehicle  
21 surfaces without causing damage to the finish:

22 (1) Biological-type residues such as insect carcasses and  
23 tree sap; and

24 (2) Road grime, such as road tar, roadway paint markings,  
25 and asphalt.

26 "CARB" means the California Air Resources Board.

27 "Carburetor or fuel-injection air intake cleaners" means a  
28 product designed to remove fuel deposits, dirt, or other  
29 contaminants from a carburetor, choke, throttle body of a fuel-  
30 injection system, or associated linkages but does not include  
31 products designed exclusively to be introduced directly into the  
32 fuel lines or fuel storage tank prior to introduction into the  
33 carburetor or fuel injectors.

34 "Carpet and upholstery cleaner" means a cleaning product  
35 designed for the purpose of eliminating dirt and stains on rugs,  
36 carpeting, the interior of motor vehicles, household furniture,  
37 or objects upholstered or covered with fabrics such as wool,  
38 cotton, nylon or other synthetic fabrics.

39 (1) Carpet and upholstery cleaner includes, but is not  
40 limited to, products that make fabric protectant claims.

41 (2) Carpet and upholstery cleaner does not include general  
42 purpose cleaners, spot removers, vinyl or leather cleaners, dry  
43 cleaning fluids, or products designed exclusively for use at  
44 industrial facilities engaged in furniture or carpet  
45 manufacturing.

46 "Charcoal lighter material" means any combustible material  
47 designed to be applied on, incorporated in, added to, or used

1 with charcoal to enhance ignition.

2 "Colorant" means any pigment or coloring material used in  
3 a consumer product for an aesthetic effect, or to dramatize an  
4 ingredient.

5 "Construction, panel, and floor covering adhesive" means  
6 any one component adhesive that is designed exclusively for the  
7 installation, remodeling, maintenance, or repair of:

8 (1) Structural and building components that include, but  
9 are not limited to, beams, trusses, studs, paneling (drywall or  
10 drywall laminates, fiberglass reinforced plastic (FRP), plywood,  
11 particle board, insulation board, pre-decorated hardboard or  
12 tileboard, etc.), ceiling and acoustical tile, molding,  
13 fixtures, countertops or countertop laminates, cove or wall  
14 bases, and flooring or subflooring; or

15 (2) Floor or wall coverings that include, but are not  
16 limited to, wood or simulated wood covering, carpet, carpet pad  
17 or cushion, vinyl backed carpet, flexible flooring material,  
18 nonresilient flooring material, mirror tiles and other types of  
19 tiles, and artificial grass.

20 (3) Construction, panel, and floor covering adhesive does  
21 not include floor seam sealer.

22 "Consumer" means any person who purchases, or acquires any  
23 consumer product for personal, family, household, or  
24 institutional use, and persons acquiring a consumer product for  
25 resale are not consumers for that product.

26 "Consumer product" means a chemically formulated product  
27 used by household and institutional consumers including, but not  
28 limited to, detergents; cleaning compounds; polishes; floor  
29 finishes; cosmetics; personal care products; home, lawn, and  
30 garden products; disinfectants; sanitizers; aerosol paints; and  
31 automotive specialty products but does not include other paint  
32 products, furniture coatings, or architectural coatings.

33 "Contact adhesive" means a non-aerosol adhesive that:

34 (1) Is designed for application to both surfaces to be  
35 bonded together;

36 (2) Is allowed to dry before the two surfaces are placed  
37 in contact with each other;

38 (3) Forms an immediate bond that is impossible, or  
39 difficult, to reposition after both adhesive-coated surfaces are  
40 placed in contact with each other; and

41 (4) Does not need sustained pressure or clamping of  
42 surfaces after the adhesive-coated surfaces have been brought  
43 together using sufficient momentary pressure to establish full  
44 contact between both surfaces.

45 (5) Contact adhesive does not include rubber cements that  
46 are primarily intended for use on paper substrates.

47 (6) Contact adhesive does not include vulcanizing fluids

1 that are designed and labeled for tire repair only.

2 "Container/packaging" means the part or parts of the  
3 consumer or institutional product which serve only to contain,  
4 enclose, incorporate, deliver, dispense, wrap or store the  
5 chemically formulated substance or mixture of substances which  
6 is solely responsible for accomplishing the purposes for which  
7 the product was designed or intended and includes any article  
8 onto or into which the principal display panel and other  
9 accompanying literature or graphics are incorporated, etched,  
10 printed or attached.

11 "Crawling bug insecticide" means any insecticide product  
12 that is designed for use against ants, cockroaches, or other  
13 household crawling arthropods, including, but not limited to,  
14 mites, silverfish or spiders but does not include products  
15 designed to be used exclusively on humans or animals, or any  
16 house dust mite product.

17 (1) For the purposes of this definition only:

18 (a) "House dust mite product" means a product whose label,  
19 packaging, or accompanying literature states that the product  
20 is suitable for use against house dust mites, but does not  
21 indicate that the product is suitable for use against ants,  
22 cockroaches, or other household crawling arthropods.

23 (b) "House dust mite" means mites which feed primarily on  
24 skin cells shed in the home by humans and pets and which belong  
25 to the phylum Arthropoda, the subphylum Chelicerata, the class  
26 Arachnida, the subclass Acari, the order Astigmata, and the  
27 family Pyroglyphidae.

28 "Date-Code" means the day, month and year on which the  
29 consumer product was manufactured, filled, or packaged, or a  
30 code indicating such a date.

31 "Deodorant" means any product including, but not limited  
32 to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze  
33 bottles, that is intended by the manufacturer to be used to  
34 minimize odor in the human axilla by retarding the growth of  
35 bacteria which cause the decomposition of perspiration.

36 "Device" means any instrument or contrivance (other than a  
37 firearm) which is designed for trapping, destroying, repelling,  
38 or mitigating any pest or any other form of plant or animal life  
39 (other than man and other than bacteria, virus, or other  
40 microorganism on or in living man or other living animals) but  
41 does not include equipment used for the application of  
42 pesticides when sold separately therefrom.

43 "Disinfectant" means any product that is labeled as a  
44 disinfectant or is labeled as a product that destroys or  
45 irreversibly inactivates infectious or other undesirable  
46 bacteria, pathogenic fungi, or viruses on surfaces or inanimate  
47 objects and whose label is registered as a disinfectant under

1 the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA,  
2 7 U.S.C. 136, et seq.).

3 (1) Products that are labeled as both a "sanitizer" and a  
4 "disinfectant" are considered disinfectants.

5 (2) Disinfectant does not include any of the following:

6 (a) Products labeled as solely for use on human or  
7 animals;

8 (b) Products labeled as solely for agricultural use;

9 (c) Products labeled as solely for use in swimming pools,  
10 therapeutic tubs, or hot tubs;

11 (d) Products that are labeled to be used on heat sensitive  
12 critical or semi-critical medical devices or medical equipment  
13 surfaces;

14 (e) Products that are pre-moistened wipes or towelettes  
15 sold exclusively to medical, convalescent, or veterinary  
16 establishments;

17 (f) Products that are labeled to be applied to food-  
18 contact surfaces and are not required to be rinsed prior to  
19 contact with food; or

20 (g) Products labeled as bathroom and tile cleaners, glass  
21 cleaners, general purpose cleaners, metal polishes, carpet  
22 cleaners or fabric refreshers that may also make disinfecting or  
23 antimicrobial claims on the label.

24 "Distributor" means any person to whom a consumer product  
25 is sold or supplied for the purposes of resale or distribution  
26 in commerce, except that manufacturers, retailers, and consumers  
27 are not distributors.

28 "Double phase aerosol air freshener" means an aerosol air  
29 freshener with the liquid contents in two or more distinct  
30 phases that requires the product container be shaken before use  
31 to mix the phases, producing an emulsion.

32 "Dry cleaning fluid" means any non-aqueous liquid product  
33 designed and labeled exclusively for use on fabrics which are  
34 labeled for dry clean only, such as clothing or drapery or s-  
35 coded fabrics.

36 (1) Dry cleaning fluid includes, but is not limited to,  
37 those products used by commercial dry cleaners and commercial  
38 businesses that clean fabrics such as draperies at the  
39 customer's residence or work place.

40 (2) Dry cleaning fluid does not include spot remover or  
41 carpet and upholstery cleaner.

42 "Dual purpose air freshener/disinfectant" means an aerosol  
43 product that is represented on the product container for use as  
44 both a disinfectant and an air freshener or is so represented on  
45 any sticker, label, packaging, or literature attached to the  
46 product container.

47 "Dusting aid" means a product designed to assist in

1 removing dust and other soils from floors and other surfaces  
2 without leaving a wax or silicone based coating but does not  
3 include products which consist entirely of compressed gases for  
4 use in electronic or other specialty areas.

5 "Electrical cleaner" means a product labeled as a product  
6 that removes heavy soils such as grease, grime, or oil from  
7 electrical equipment, including, but not limited to, electric  
8 motors, armatures, relays, electric panels, or generators.

9 (1) Electrical cleaner does not include general purpose  
10 cleaner, general purpose degreaser, dusting aid, electronic  
11 cleaner, energized electrical cleaner, pressurized gas duster,  
12 engine degreaser, anti-static product, or products designed to  
13 clean the casings or housings of electrical equipment.

14 "Electronic cleaner" means a product labeled as a product  
15 that removes dirt, moisture, dust, flux or oxide from the  
16 internal components of electronic or labeled as precision  
17 equipment such as circuit boards and the internal components of  
18 electronic devices, including, but not limited to, radios,  
19 compact disc players, digital video disc players, and  
20 computers.

21 "Engine degreaser" means a cleaning product designed to  
22 remove grease, grime, oil and other contaminants from the  
23 external surfaces of engines and other mechanical parts.

24 "Fabric protectant" means a product labeled as a product  
25 to be applied to fabric substrates to protect the surface from  
26 soiling from dirt and other impurities or to reduce absorption  
27 of liquid into the fabric's fibers but does not include  
28 waterproofers or products labeled for use solely on leather.

29 (1) Fabric protectant does not include pigmented products  
30 that are designed to be used primarily for coloring, products  
31 used for construction, reconstruction, modification, structural  
32 maintenance or repair of fabric substrates, or products that  
33 renew or restore fabric and qualifying as either clear coating  
34 or vinyl, fabric, leather, or polycarbonate coatings.

35 "Fabric refresher" means a product labeled to neutralize or  
36 eliminate odors on non-laundered fabric, including, but not  
37 limited to, soft household surfaces, rugs, carpeting, draperies,  
38 bedding, automotive interiors, footwear, athletic equipment,  
39 clothing or on household furniture or objects upholstered or  
40 covered with fabrics such as wool, cotton, or nylon. Fabric  
41 refresher does not include anti-static products, carpet and  
42 upholstery cleaners, footwear or leather care products, spot  
43 removers, disinfectants, or products labeled for application to  
44 both fabric and human skin.

45 "Facial cleaner or soap" means a cleaner or soap designed  
46 primarily to clean the face.

47 (1) Facial cleaner or soap includes, but is not limited



1 to, facial cleansing creams, gels, liquids, lotions, and  
2 substrate-impregnated forms.

3 (2) Facial cleaner or soap does not include prescription  
4 drug products, antimicrobial hand or body cleaner or soap,  
5 astringent/toner, general-use hand or body cleaner or soap,  
6 medicated astringent/medicated toner, or rubbing alcohol.

7 "Flea and tick insecticide" means any insecticide product  
8 that is designed for use against fleas, ticks, their larvae, or  
9 their eggs but does not include products that are designed to be  
10 used exclusively on humans or animals and their bedding.

11 "Flexible flooring material" means asphalt, cork, linoleum,  
12 no wax, rubber, seamless vinyl and vinyl composite flooring.

13 "Floor polish or wax" means a product designed or labeled  
14 as a product to polish, wax, condition, protect, temporarily  
15 seal or otherwise enhance floor surfaces by leaving a protective  
16 finish that is designed or labeled to be periodically  
17 replenished.

18 (1) Floor polish or wax does not include spray buff  
19 products, floor wax strippers, products designed or labeled for  
20 unfinished wood floors, or coatings subject to architectural  
21 coatings regulations.

22 (2) Floor polish or wax is divided into three categories:  
23 products for resilient flooring materials, products for  
24 nonresilient flooring materials, and wood floor wax. For the  
25 purposes of this section:

26 (a) "Resilient flooring material" means flexible flooring  
27 material, including but not limited to, asphalt, cork, linoleum,  
28 no-wax, rubber, seamless vinyl, and vinyl composite flooring.

29 (b) "Nonresilient flooring material" means flooring of a  
30 mineral content that is not flexible, including, but not limited  
31 to, terrazzo, marble, slate, granite, brick, stone, ceramic  
32 tile, and concrete.

33 (c) "Wood floor wax" means wax-based products for use  
34 solely on wood floors.

35 "Floor seam sealer" means any product designed and labeled  
36 exclusively for bonding, fusing, or sealing (coating) seams  
37 between adjoining rolls of installed flexible sheet flooring.

38 "Floor wax stripper" means a product designed to remove  
39 natural or synthetic floor polishes or waxes through breakdown  
40 of the polish or wax polymers, or by dissolving or emulsifying  
41 the polish or wax but does not include aerosol floor wax  
42 strippers or products designed to remove floor wax solely  
43 through abrasion.

44 "Flying bug insecticide" means any insecticide product that  
45 is designed for use against flying insects or other flying  
46 arthropods, including but not limited to flies, mosquitoes,  
47 moths, or gnats.

1 (1) Flying bug insecticide does not include wasp and  
2 hornet insecticide, products that are designed to be used  
3 exclusively on humans or animals, or any moth-proofing product.  
4

5 (2) For the purposes of this definition only, "moth-  
6 proofing product" means a product whose label, packaging, or  
7 accompanying literature indicates that the product is designed  
8 to protect fabrics from damage by moths, but does not indicate  
9 that the product is suitable for use against flying insects or  
10 other flying arthropods.

11 "Fragrance" means a substance or complex mixture of aroma  
12 chemicals, natural essential oils, and other functional  
13 components with a combined vapor pressure not in excess of two  
14 millimeters of mercury (mm Hg) at 20 degrees Celcius, the sole  
15 purpose of which is to impart an odor or scent or to counteract  
16 a malodor.

17 "Furniture maintenance product" means a wax, polish,  
18 conditioner, or any other product designed for the purpose of  
19 polishing, protecting or enhancing finished wood surfaces other  
20 than floors but does not include dusting aids, products designed  
21 solely for the purpose of cleaning, and products designed to  
22 leave a permanent finish such as stains, sanding sealers and  
23 lacquers.

24 "Furniture coating" means any paint designed for  
25 application to room furnishings including, but not limited to,  
26 cabinets (kitchen, bath and vanity), tables, chairs, beds, and  
27 sofas.

28 "Gel" means a colloid in which the disperse phase has  
29 combined with the continuous phase to produce a semisolid  
30 material, such as jelly.

31 "General purpose adhesive" means any non-aerosol adhesive  
32 designed for use on a variety of substrates. (1) General  
33 purpose adhesive does not include;

34 (a) Contact adhesives;

35 (b) Construction, panel, and floor covering adhesives;

36 (c) Adhesives designed exclusively for application on one  
37 specific category of substrates (i.e., substrates that are  
38 composed of similar materials, such as different types of  
39 metals, paper products, ceramics, plastics, rubbers, or vinyls);  
40 or

41 (d) Adhesives designed exclusively for use on one specific  
42 category of articles (i.e., articles that may be composed of  
43 different materials but perform a specific function, such as  
44 gaskets, automotive trim, weather-stripping, or carpets).

45 "General Purpose Cleaner" means a product designed for  
46 general all-purpose cleaning, in contrast to cleaning products  
47 designed to clean specific substrates in certain situations and

1 includes products designed for general floor cleaning, kitchen  
2 or countertop cleaning, and cleaners designed to be used on a  
3 variety of hard surfaces and does not include general purpose  
4 degreasers and electronic cleaners.

5 "General purpose degreaser" means any product labeled as a  
6 product that removes or dissolves grease, grime, oil and other  
7 oil-based contaminants from a variety of substrates, including  
8 automotive or miscellaneous metallic parts.

9 (1) General purpose degreaser does not include engine  
10 degreaser, general purpose cleaner, adhesive remover, electronic  
11 cleaner, electrical cleaner, metal polish/cleanser, oven or  
12 grill cleaner, products used exclusively in solvent cleaning  
13 tanks or related equipment, or products that are:

14 (a) ~~[Sold-e]~~ Exclusively sold directly or through  
15 distributors to establishments that manufacture or construct  
16 goods or commodities; and

17 (b) Labeled ~~[not-]~~ for [retail sale] use in the  
18 manufacturing process only.

19 (2) Solvent cleaning tanks or related equipment includes,  
20 but is not limited to, cold cleaners, vapor degreasers,  
21 conveyORIZED degreasers, film cleaning machines, or products  
22 designed to clean miscellaneous metallic parts by immersion in a  
23 container.

24 "General-use hand or body cleaner or soap" means a cleaner  
25 or soap designed to be used routinely on the skin to clean or  
26 remove typical or common dirt and soils.

27 (1) General-use hand or body cleaner or soap includes, but  
28 is not limited to, hand or body washes, dual-purpose shampoo-  
29 body cleaners, shower or bath gels, and moisturizing cleaners or  
30 soaps.

31 (2) General-use hand or body cleaner or soap does not  
32 include prescription drug products, antimicrobial hand or body  
33 cleaner or soap, astringent/toner, facial cleaner or soap, hand  
34 dishwashing detergent (including antimicrobial), heavy-duty hand  
35 cleaner or soap, medicated astringent/medicated toner, or  
36 rubbing alcohol.

37 "Glass cleaner" means a cleaning product designed primarily  
38 for cleaning surfaces made of glass but does not include  
39 products designed solely for the purpose of cleaning optical  
40 materials used in eyeglasses, photographic equipment, scientific  
41 equipment and photocopying machines.

42 "Graffiti remover" means a product labeled to remove spray  
43 paint, ink, marker, crayon, lipstick, nail polish, or shoe  
44 polish from a variety of non-cloth or non-fabric substrates.

45 (1) Graffiti remover does not include paint remover or  
46 stripper, nail polish remover, or spot remover.

47 (2) Products labeled for dual use as both a paint stripper

1 and graffiti remover are considered graffiti removers.

2 "Hair mousse" means a hairstyling foam designed to  
3 facilitate styling of a coiffure and provide limited holding  
4 power.

5 "Hair shine" means any product designed for the primary  
6 purpose of creating a shine when applied to the hair.

7 (1) Hair shine includes, but is not limited to, dual-use  
8 products designed primarily to impart a sheen to the hair.

9 (2) Hair shine does not include hair spray, hair mousse,  
10 hair styling gel or spray gel, or products whose primary purpose  
11 is to condition or hold the hair.

12 "Hair styling gel" means a high viscosity, often  
13 gelatinous, product that contains a resin and is designed for  
14 the application to hair to aid in styling and sculpting of the  
15 hair coiffure.

16 "Hair spray" means a consumer product designed primarily  
17 for the purpose of dispensing droplets of a resin on and into a  
18 hair coiffure which will impart sufficient rigidity to the  
19 coiffure to establish or retain the style for a period of time.

20 "Hair Styling Product" means a consumer product  
21 manufactured on or after January 1, 2009, that is designed or  
22 labeled as a product for the application to wet, damp or dry  
23 hair to aid in defining, shaping, lifting, styling or sculpting  
24 of the hair.

25 (1) Hair styling product includes, but is not limited to,  
26 hair balm, clay, cream, curl straightener, gel, liquid, lotion,  
27 paste, pomade, putty, root lifter, serum, spray gel, stick,  
28 temporary hair straightener, wax, spray products that aid in  
29 styling but do not provide finishing of a hairstyle, and leave-  
30 in volumizers, detanglers or conditioners that make styling  
31 claims.

32 (2) Hair styling product does not include hair mousse,  
33 hair shine, hair spray, or shampoos or conditioners that are  
34 rinsed from the hair prior to styling.

35 "Heavy-duty hand cleaner or soap" means a product designed  
36 to clean or remove difficult dirt and soils such as oil, grease,  
37 grime, tar, shellac, putty, printer's ink, paint, graphite,  
38 cement, carbon, asphalt, or adhesives from the hand with or  
39 without the use of water but does not include prescription drug  
40 products, antimicrobial hand or body cleaner or soap,  
41 astringent/toner, facial cleaner or soap, general-use hand or  
42 body cleaner or soap, medicated astringent/medicated toner, or  
43 rubbing alcohol.

44 "Herbicide" means a pesticide product designed to kill or  
45 retard a plant's growth, but excludes products that are:

46 (1) For agricultural use; or

47 (2) Restricted materials that require a permit for use and

1 possession.

2 "High volatility organic compound (HVOC)" means any  
3 volatile organic compound that exerts a vapor pressure greater  
4 than 80 millimeters of Mercury (mm Hg) when measured at 20  
5 degrees Celsius.

6 "Household product" means any consumer product that is  
7 primarily designed to be used inside or outside of living  
8 quarters or residences that are occupied or intended for  
9 occupation by individuals, including the immediate surroundings.

10 "Insecticide" means a pesticide product that is designed  
11 for use against insects or other arthropods, but excluding  
12 products that are:

13 (1) For agricultural use;

14 (2) For a use which requires a structural pest control  
15 license under applicable state or federal laws or regulations;  
16 or

17 (3) Restricted materials that require a permit for use and  
18 possession.

19 "Insecticide fogger" means any insecticide product designed  
20 to release all or most of its content, as a fog or mist, into  
21 indoor areas during a single application.

22 "Institutional product" or "Industrial and institutional  
23 (I&I) product" means a consumer product that is designed for use  
24 in the maintenance or operation of an establishment that  
25 manufactures, transports, or sells goods or commodities, or  
26 provides services for profit or is engaged in the nonprofit  
27 promotion of a particular public, educational, or charitable  
28 cause.

29 (1) Establishments include, but are not limited to,  
30 government agencies, factories, schools, hospitals, sanitariums,  
31 prisons, restaurants, hotels, stores, automobile service and  
32 parts centers, health clubs, theaters, or transportation  
33 companies.

34 (2) Institutional product does not include household  
35 products and products that are incorporated into or used  
36 exclusively in the manufacture or construction of the goods or  
37 commodities at the site of the establishment.

38 "Label" means any written, printed, or graphic matter  
39 affixed to, applied to, attached to, blown into, formed, molded  
40 into, embossed on, or appearing upon any consumer product or  
41 consumer product package, for purposes of branding, identifying,  
42 or giving information with respect to the product or to the  
43 contents of the package.

44 "Laundry prewash" means a product that is designed for  
45 application to a fabric prior to laundering and that supplements  
46 and contributes to the effectiveness of laundry detergents or  
47 provides specialized performance.

1 "Laundry starch product" means a product that is designed  
2 for application to a fabric, either during or after laundering,  
3 to impart and prolong a crisp, fresh look and may also act to  
4 help ease ironing of the fabric and includes, but is not limited  
5 to, fabric finish, sizing, and starch.

6 "Lawn and garden insecticide" means an insecticide product  
7 designed primarily to be used in household lawn and garden areas  
8 to protect plants from insects or other arthropods.

9 "Liquid" means a substance or mixture of substances which  
10 is capable of a visually detectable flow as determined under  
11 ASTM D 4359- 90 but does not include powders or other materials  
12 that are composed entirely of solid particles.

13 "Lubricant" means a product designed to reduce friction,  
14 heat, noise, or wear between moving parts or to loosen rusted or  
15 immovable parts or mechanisms.

16 (1) Lubricant does not include automotive power steering  
17 fluids; products for use inside power generating motors,  
18 engines, and turbines, and their associated power-transfer  
19 gearboxes; two cycle oils or other products designed to be added  
20 to fuels; products for use on the human body or animals; or  
21 products that are:

22 (a) ~~[Sold-e]~~ Exclusively sold directly or through  
23 distributors to establishments that manufacture or construct  
24 goods or commodities; and

25 (b) Labeled ~~[not]~~ for ~~[retail sale]~~ use in the  
26 manufacturing process only.

27 "LVP content" means the total weight, in pounds, of LVP  
28 compounds in a product multiplied by 100 and divided by the  
29 product's total net weight (in pounds, excluding container and  
30 packaging), expressed to the nearest 0.1.

31 "LVP-VOC" means a chemical compound or mixture that  
32 contains at least one carbon atom and meets one of the  
33 following:

34 (1) Has a vapor pressure less than 0.1 mm Hg at 20 degrees  
35 Celsius, as determined by CARB Method 310;

36 (2) Is a chemical compound with more than 12 carbon atoms,  
37 or a chemical mixture comprised solely of compounds with more  
38 than 12 carbon atoms, and the vapor pressure is unknown;

39 (3) Is a chemical compound with a boiling point greater  
40 than 216 degrees Celsius, as determined by CARB Method 310; or

41 (4) Is the weight percent of a chemical mixture that boils  
42 above 216 degrees Celsius, as determined by CARB Method 310.

43 (5) For the purposes of the definition of LVP-VOC:

44 (a) "Chemical compound" means a molecule of definite  
45 chemical formula and isomeric structure; and

46 (b) "Chemical mixture" means a substrate comprised of two  
47 or more chemical compounds.

1 "Manufacturer" means any person who imports, manufactures,  
2 assembles, produces, packages, repackages, or re-labels a  
3 consumer product.

4 "Medicated astringent/medicated toner" means any product  
5 regulated as a drug by the FDA which is applied to the skin for  
6 the purpose of cleaning or tightening pores.

7 (1) Medicated astringent/medicated toner includes, but is  
8 not limited to, clarifiers and substrate-impregnated products.

9 (2) Medicated astringent/medicated toner does not include  
10 hand, face, or body cleaner or soap products, astringent/toner,  
11 cold cream, lotion, antiperspirants, or products that must be  
12 purchased with a doctor's prescription.

13 "Medium volatility organic compound (MVOC)" means any  
14 volatile organic compound that exerts a vapor pressure greater  
15 than two mm Hg and less than or equal to 80 mm Hg when measured  
16 at 20 degrees Celsius.

17 "Metal polish/cleanser" means any product designed  
18 primarily to improve the appearance of finished metal, metallic,  
19 or metallized surfaces by physical or chemical action.

20 (1) To improve the appearance means to remove or reduce  
21 stains, impurities, or oxidation from surfaces or to make  
22 surfaces smooth and shiny.

23 (2) Metal polish/cleanser includes, but is not limited to,  
24 metal polishes used on brass, silver, chrome, copper, stainless  
25 steel and other ornamental metals.

26 (3) Metal polish/cleanser does not include automotive wax,  
27 polish, sealant or glaze, wheel cleaner, paint remover or  
28 stripper, products designed and labeled exclusively for  
29 automotive and marine detailing, or products designed for use in  
30 degreasing tanks.

31 "Mist spray adhesive" means any aerosol which is not a  
32 special purpose spray adhesive and which delivers a particle or  
33 mist spray, resulting in the formation of fine, discrete  
34 particles that yield a generally uniform and smooth application  
35 of adhesive to the substrate.

36 "Multi-purpose dry lubricant" means any lubricant that is:  
37

38 (1) Designed and labeled to provide lubricity by  
39 depositing a thin film of graphite, molybdenum disulfide  
40 ("moly"), or polytetrafluoroethylene or closely related  
41 fluoropolymer ("teflon") on surfaces; and

42 (2) Designed for general purpose lubrication, or for use  
43 in a wide variety of applications.

44 "Multi-purpose lubricant" means any lubricant designed for  
45 general purpose lubrication or for use in a wide variety of  
46 applications but does not include multi-purpose dry lubricants,  
47 penetrants, or silicone-based multi-purpose lubricants.

1 "Multi-purpose solvent" means ~~[any organic liquid designed~~  
2 ~~to be used for a variety of purposes, including cleaning or~~  
3 ~~degreasing of a variety of substrates, or thinning, dispersing~~  
4 ~~or dissolving other organic materials. (1) Multi purpose~~  
5 ~~solvent includes solvents used in institutional facilities,~~  
6 ~~except for laboratory reagents used in analytical, educational,~~  
7 ~~research, scientific or other laboratories.~~

8 ~~(2) Multi purpose solvent does not include solvents used~~  
9 ~~in cold cleaners, vapor degreasers, conveyorized degreasers or~~  
10 ~~film cleaning machines, or solvents that are incorporated into,~~  
11 ~~or used exclusively in the manufacture or construction of, the~~  
12 ~~goods or commodities at the site of the establishment.]any~~  
13 liquid product designed or labeled to be used for dispersing,  
14 dissolving, or removing contaminants or other organic materials.  
15

16 (1) Multi-purpose solvent includes:

17 (a) Products that do not display specific use instructions  
18 on the product container or packaging;

19 (b) Products that do not specify an end-use function or  
20 application on the product container or packaging;

21 (c) Solvents used in institutional facilities, except for  
22 laboratory reagents used in analytical, educational, research,  
23 scientific or other laboratories;

24 (d) Paint clean-up products; and

25 (e) Products labeled to prepare surfaces for painting.

26 (2) Multi-purpose solvent does not include any product  
27 making any representation that the product may be used as, or is  
28 suitable for use as, a consumer product that meets another  
29 definition in R307-357-3; such products are subject to the most  
30 restrictive limit provisions in R307-357-10(4) and R307-357-  
31 10(5).

32 "Nail polish" means any clear or colored coating designed  
33 for application to the fingernails or toenails and including but  
34 not limited to, lacquers, enamels, acrylics, base coats and top  
35 coats.

36 "Nail polish remover" means a product designed to remove  
37 nail polish and coatings from fingernails or toenails.

38 "Non aerosol product" means any consumer product that is  
39 not dispensed by a pressurized spray system.

40 "Non carbon containing compound" means any compound which  
41 does not contain any carbon atoms.

42 "Non-selective terrestrial herbicide" means a terrestrial  
43 herbicide product that is toxic to plants without regard to  
44 species.

45 "Oven or grill cleaner" means a product labeled exclusively  
46 as a product to remove baked on grease or deposits from food  
47 preparation or cooking surfaces.



1 "Paint" means any pigmented liquid, liquefiable, or mastic  
2 composition designed for application to a substrate in a thin  
3 layer which is converted to an opaque solid film after  
4 application and is used for protection, decoration or  
5 identification, or to serve some functional purpose such as the  
6 filling or concealing of surface irregularities or the  
7 modification of light and heat radiation characteristics.

8 "Paint remover or stripper" means any product designed to  
9 strip or remove paints or other related coatings, by chemical  
10 action, from a substrate without markedly affecting the  
11 substrate but does not include "Multi-purpose Solvents", paint  
12 brush cleaners, products designed and labeled exclusively to  
13 remove graffiti, and hand cleaner products that claim to remove  
14 paints and other related coatings from skin.

15 "Paint thinner" means ~~[a liquid that is added to paint to~~  
16 ~~make it less thick or to remove paint from an applicator.]~~any  
17 liquid product used for reducing the viscosity of coating  
18 compositions or components or that prominently displays the term  
19 paint thinner, lacquer thinner, thinner, or reducer on the front  
20 panel of its packaging.

21 (1) Paint thinner does not include any of the following  
22 products:

23 (a) Artist's solvent/thinner;

24 (b) Products that are sold in containers with a capacity  
25 of five gallons or more and labeled exclusively for the thinning  
26 of industrial maintenance coatings, zinc-rich primers, or high  
27 temperature coatings;

28 (c) Products labeled and used exclusively as an ingredient  
29 in a specific coating or coating brand line whereby the coating  
30 would not be complete or useable without the specific  
31 ingredient;

32 (d) Products that meet both of the following criteria:

33 (i) The principle display panel of the product displays  
34 states that the product is used exclusively for the thinning of  
35 industrial maintenance coatings, zinc-rich primers, or high  
36 temperature coatings; and

37 (ii) No representation is made anywhere on the product  
38 container or packaging or any label or sticker attached thereto  
39 that the product is suitable for use or may be used for any  
40 other purpose except the thinning of industrial maintenance  
41 coatings, zinc-rich primers, or high temperature coatings.

42 "Penetrant" means a lubricant designed and labeled  
43 primarily to loosen metal parts that have bonded together due to  
44 rusting, oxidation, or other causes but does not include "Multi-  
45 purpose Lubricants" that claim to have penetrating qualities,  
46 but are not labeled primarily to loosen bonded parts.

47 "Pesticide" means and includes any substance or mixture of

1 substances labeled, designed, or intended for use in preventing,  
2 destroying, repelling or mitigating any pest, or any substance  
3 or mixture of substances labeled, designed, or intended for use  
4 as a defoliant, desiccant, or plant regulator, provided that the  
5 term "pesticide" will not include any substance, mixture of  
6 substances, or device which the United States Environmental  
7 Protection Agency does not consider to be a pesticide.

8 "Principal display panel or panels" means that part, or  
9 those parts of a label that are so designed as to most likely be  
10 displayed, presented, shown or examined under normal and  
11 customary conditions of display or purchase. Whenever a  
12 principal display panel appears more than once, all requirements  
13 pertaining to the "principal display panel" shall pertain to all  
14 such "principal display panels."

15 "Product category" means the applicable category which best  
16 describes the product as listed in Table 1. "Propellant" means  
17 a liquefied or compressed gas that is used in whole or in part,  
18 such as a cosolvent, to expel a liquid or any other material  
19 from the same self-pressurized container or from a separate  
20 container.

21 "Pump spray" means a packaging system in which the product  
22 ingredients within the container are not under pressure and in  
23 which the product is expelled only while a pumping action is  
24 applied to a button, trigger or other actuator.

25 "Restricted materials" means pesticides established as  
26 restricted materials under applicable state or federal laws or  
27 regulations.

28 "Roll on product" means any antiperspirant or deodorant  
29 that dispenses active ingredients by rolling a wetted ball or  
30 wetted cylinder on the affected area.

31 "Rubber/vinyl protectant" means any product labeled as a  
32 product that protects, preserves or renews vinyl or rubber on  
33 vehicles, tires, luggage, furniture, or household products such  
34 as vinyl covers, clothing, or accessories. Rubber/vinyl  
35 protectant does not include products labeled to clean the wheel  
36 rim, such as aluminum or magnesium wheel cleaners, and tire  
37 cleaners that do not leave an appearance-enhancing or protective  
38 substance on the tire.

39 "Sanitizer" means a product that is labeled as a sanitizer  
40 or labeled as a product to reduce, but not necessary eliminate,  
41 microorganisms in the air, on surfaces, or on inanimate objects  
42 and whose label is registered as a sanitizer under the Federal  
43 Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 U.S.C.  
44 section 136 et seq.)

45 (1) Products that are labeled as both a sanitizer and a  
46 disinfectant are considered disinfectants.

47 (2) Sanitizers do not include:

- 1        (a) Disinfectants;  
2        (b) Products labeled solely for use on humans or animals;  
3        (c) Products labeled solely for agricultural use;  
4        (d) Products labeled solely for use in swimming pools,  
5        therapeutic tubs, or hot tubs;  
6        (e) products that are labeled to be used on heat sensitive  
7        critical or semi-critical medical devices or medical equipment  
8        surfaces;  
9        (f) Pre-moistened wipes or towelettes sold exclusively to  
10       medical, convalescent or veterinary establishments;  
11       (g) Products that are labeled to be applied to food-  
12       contact surfaces and are not required to be rinsed prior to  
13       contact with food; or  
14       (h) Bathroom and tile cleaners, glass cleaners, general  
15       purpose cleaners, metal polishers or fabric refreshers that may  
16       also make sanitizing or anti-microbial claims on the label.

17       "Rubbing alcohol" means any product containing isopropyl  
18       alcohol (also called isopropanol) or denatured ethanol and  
19       labeled for topical use, usually to decrease germs in minor cuts  
20       and scrapes, to relieve minor muscle aches, as a rubefacient,  
21       and for massage.

22       "Sealant and caulking compound" means any product with  
23       adhesive properties that is designed to fill, seal, waterproof,  
24       or weatherproof gaps or joints between two surfaces.

25       (1) Sealant and caulking compound does not include roof  
26       cements and roof sealants; insulating foams; removable caulking  
27       compounds; clear/paintable/water resistant caulking compounds;  
28       floor seam sealers; products designed exclusively for automotive  
29       uses; or sealers that are applied as continuous coatings.

30       (2) Sealant and caulking compound also does not include  
31       units of product, less packaging, which weigh more than one  
32       pound and consist of more than 16 fluid ounces.

33       (3) For the purposes of this definition only:

34       (a) "Removable caulking compounds" means a compound which  
35       temporarily seals windows or doors for three to six month time  
36       intervals; and

37       (b) "Clear/paintable/water resistant caulking compounds"  
38       means a compound which contains no appreciable level of opaque  
39       fillers or pigments; transmits most or all visible light through  
40       the caulk when cured; is paintable; and is immediately resistant  
41       to precipitation upon application.

42       "Semisolid" means a product that, at room temperature, will  
43       not pour, but will spread or deform easily, including gels,  
44       pastes, and greases.

45       "Shaving cream" means an aerosol product which dispenses a  
46       foam lather intended to be used with a blade, cartridge razor,  
47       or other wet shaving system in the removal of facial or other

1   bodily hair.

2       "Shaving Gel" means an aerosol product that dispenses a  
3   post-foaming semisolid designed to be used with a blade,  
4   cartridge razor, or other shaving system in the removal of  
5   facial or other bodily hair.

6       "Silicone-based multi-purpose lubricant" means any  
7   lubricant which is:

8       (1) Designed and labeled to provide lubricity primarily  
9   through the use of silicone compounds including, but not limited  
10  to, polydimethylsiloxane; and

11       (2) Designed and labeled for general purpose lubrication,  
12  or for use in a wide variety of applications.       (3) Silicone-  
13  based multi-purpose lubricant does not include products designed  
14  and labeled exclusively to release manufactured products from  
15  molds.

16       "Single phase aerosol air freshener" means an aerosol air  
17  freshener with the liquid contents in a single homogeneous phase  
18  and which does not require that the product container be shaken  
19  before use.

20       "Solid" means a substance or mixture of substances which,  
21  either whole or subdivided (such as the particles comprising a  
22  powder), is not capable of visually detectable flow as  
23  determined under ASTM D-4359-90.

24       "Special purpose spray adhesive" means an aerosol adhesive  
25  that meets any of the following definitions:

26       (1) "Mounting adhesive" means an aerosol adhesive designed  
27  to permanently mount photographs, artwork, and any other drawn  
28  or printed media to a backing (paper, board, cloth, etc.)  
29  without causing discoloration to the artwork.

30       (2) "Flexible vinyl adhesive" means an aerosol adhesive  
31  designed to bond flexible vinyl to substrates.       (a) "Flexible  
32  vinyl" means a nonrigid polyvinyl chloride plastic with at least  
33  five percent, by weight, of plasticizer content.

34       (b) "Plasticizer" means a material such as a high boiling  
35  point organic solvent that is incorporated into a plastic to  
36  increase its flexibility, workability, or distensibility, and  
37  may be determined using ASTM Method E260-91 or from product  
38  formulation data.

39       (3) "Polystyrene foam adhesive" means an aerosol adhesive  
40  designed to bond polystyrene foam to substrates.

41       (4) "Automobile headliner adhesive" means an aerosol  
42  adhesive designed to bond together layers in motor vehicle  
43  headliners.

44       (5) "Polyolefin adhesive" means an aerosol adhesive  
45  designed to bond polyolefins to substrates.

46       (6) "Laminate repair/edgebanding adhesive" means an  
47  aerosol adhesive designed for:

1 (a) The touch-up or repair of items laminated with high  
2 pressure laminates (e.g., lifted edges, delaminates, etc.); or

3 (b) The touch-up, repair, or attachment of edgebonding  
4 materials, including but not limited to, other laminates,  
5 synthetic marble, veneers, wood molding, and decorative metals.

6 (c) For the purposes of this definition, "high pressure  
7 laminate" means sheet materials that consist of paper, fabric,  
8 or other core material that have been laminated at temperatures  
9 exceeding 265 degrees Fahrenheit, and at pressures between 1,000  
10 and 1,400 psi.

11 (7) "Automotive engine compartment adhesive" means an  
12 aerosol adhesive designed for use in motor vehicle under-the-  
13 hood applications which require oil and plasticizer resistance,  
14 as well as high shear strength, at temperatures of 200 to 275  
15 degrees Fahrenheit.

16 "Spot remover" means any product designed to clean  
17 localized areas, or remove localized spots or stains on cloth or  
18 fabric such as drapes, carpets, upholstery, and clothing, that  
19 does not require subsequent laundering to achieve stain removal  
20 but does not include dry cleaning fluid, laundry prewash, carpet  
21 and upholstery cleaner, or multi-purpose solvent.

22 "Spray buff product" means a product designed to restore a  
23 worn floor finish in conjunction with a floor buffing machine  
24 and special pad.

25 "Stick product" means any antiperspirant or deodorant that  
26 contains active ingredients in a solid matrix form, and that  
27 dispenses the active ingredients by frictional action on the  
28 affected area.

29 "Structural waterproof adhesive" means an adhesive whose  
30 bond lines are resistant to conditions of continuous immersion  
31 in fresh or salt water, and that conforms with Federal  
32 Specification MMM-A-181 (Type 1, Grade A), and MIL-A-4605 (Type  
33 A, Grade A and Grade C). This definition is as per the Federal  
34 Consumer Products Regulation 40 CFR 59 Subpart C.

35 "Terrestrial" means to live on or grow from land.

36 "Temporary hair color" means any product that applies  
37 color, glitter, or UV-active pigments to hair, wigs, or fur and  
38 is removable when washed.

39 "Tire sealant and inflation" means any pressurized product  
40 that is designed to temporarily inflate and seal a leaking tire.

41 "Type A propellant" means a compressed gas such as CO<sub>2</sub>, N<sub>2</sub>,  
42 N<sub>2</sub>O, or compressed air which is used as a propellant, and is  
43 either incorporated with the product or contained in a separate  
44 chamber within the product's packaging.

45 "Type B propellant" means any halocarbon which is used as a  
46 propellant including chlorofluorocarbons (CFCs),  
47 hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs).

"Type C propellant" means any propellant which is not a Type A or Type B propellant, including propane, isobutane, n butane, and dimethyl ether (also known as dimethyl oxide).

"Undercoating" means any aerosol product designed to impart a protective, non-paint layer to the undercarriage, trunk interior, or firewall of motor vehicles to prevent the formation of rust or to deaden sound and includes, but is not limited to, rubberized, mastic, or asphaltic products.

"VOC content" means the total weight of VOC in a product expressed as a percentage of the product weight (exclusive of the container or packaging).

"Wasp and hornet insecticide" means any insecticide product that is designed for use against wasps, hornets, yellow jackets or bees by allowing the user to spray from a distance a directed stream or burst at the intended insects, or their hiding place.

"Waterproofer" means a product designed and labeled exclusively to repel water from fabric or leather substrates.

"Waterproofer" does not include "Fabric Protectants".

"Wax" means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics) and includes, but is not limited to, substances derived from the secretions of plants and animals such as caruba wax and beeswax, substances of a mineral origin such as ozocerite and paraffin, and synthetic polymers such as polyethylene.

"Web spray adhesive" means any aerosol adhesive which is not a mist spray or special purpose spray adhesive.

"Wood cleaner" means a product labeled to clean wooden materials, including but not limited to, decking, fences, flooring, logs, cabinetry, and furniture.

"Wood floor wax" means wax based products for use solely on wood floors.

#### **R307-357-4. Standards.**

(1) Except as provided in R307-357-6, 7, 8 and 9, no person shall sell, supply, offer for sale, or manufacture for sale any consumer product manufactured on or after the effective date in Table 1 that contains VOCs in excess of the limits specified in Table 1.

Table 1

Table of Standards

(percent volatile organic compounds by weight)

CATEGORY

EFFECTIVE BEGINNING DATES

9/1/2014      1/1/2015      1/1/2016

## 1 Adhesive Removers:

2  
3 Floor and wall 5  
4 covering

5  
6 Gasket or thread 50  
7 locking

8  
9 General purpose 20

10  
11 Specialty 70

12  
13 Adhesives:

14  
15 Aerosol mist spray 65

16  
17 Aerosol web spray 55

18  
19 Special Purpose Spray  
20 Adhesives:

21  
22 Mounting, automotive 70  
23 Engine compartment,  
24 and flexible vinyl

25  
26 Polystyrene foam and 65  
27 automotive headliner

28  
29 Polyolefin and 60  
30 laminate repair/  
31 edgebanding

32  
33 Construction, panel, 7  
34 and floor

35  
36 Contact general 55  
37 purpose

38  
39 Contact special 80  
40 purpose

41  
42 General purpose 80

43  
44 Structural waterproof 15

45  
46 Air Fresheners:

47

1	Single-phase aerosols	30
2		
3	Double-phase aerosols	25
4		
5	Dual-purpose air	
6	freshener/disinfectant	
7	aerosol	60
8		
9	Liquids/pump sprays	18
10		
11	Solids/semisolids	3
12		
13	Antiperspirants:	
14		
15	Aerosol	40 HVOC
16		10 MVOC
17		
18	Non-aerosol	0 HVOC
19		0 MVOC
20		
21	Anti-static product:	
22		
23	Non-aerosol	11
24		
25	Aerosol	80
26		
27	Automotive rubbing	17
28	or polishing compound	
29		
30	Automotive wax, polish,	
31	sealant or Glaze:	
32		
33	Hard paste waxes	45
34		
35	Instant detailers	3
36		
37	All other forms	15
38		
39	Automotive windshield	
40	washer fluids	35
41		
42	Bathroom and Tile	
43	Cleaners:	
44		
45	Aerosols	7
46		
47	<del>[All other forms</del>	<del>5]</del>



1	<u>Non-aerosols</u>	<u>1</u>
2		
3	Brake cleaner	10
4		
5	Bug and tar remover	40
6		
7	Carburetor or	10
8	fuel-injection air	
9	intake cleaners	
10		
11	Carpet and Upholstery	
12	Cleaners:	
13		
14	Aerosols	7
15		
16	Non-aerosols	0.1
17	(dilutables)	
18		
19	Non-aerosols	3.0
20	(ready-to-use)	
21		
22	Cooking spray aerosols	18
23		
24	Disinfectant:	
25		
26	Aerosol	70
27		
28	non-aerosol	1
29		
30	Deodorants:	
31		
32	Aerosol	0 HVOC
33		10 MVOC
34		
35		
36		
37	Non-aerosol	0 HVOC
38		0 MVOC
39		
40	Dusting Aids:	
41		
42	Aerosols	25
43		
44	All other forms	7
45		
46	Electrical cleaner	45
47		

1	Electronic cleaner	75
2		
3	Engine Degreasers:	
4		
5	Aerosol	10
6		
7	Non-aerosol	5
8		
9	Fabric protectants	60
10		
11	Fabric refresher:	
12		
13	Aerosol	15
14		
15	Non-aerosol	6
16		
17	Floor Polishes or Waxes:	
18		
19	Resilient flooring	1
20	materials	
21		
22	Nonresilient flooring	1
23	materials	
24		
25	Wood floor wax	90
26		
27	Footwear or leather	
28	care products:	
29		
30	Aerosol	75
31		
32	Solid	55
33		
34	Other forms	15
35		
36	Furniture Maintenance	
37	Products:	
38		
39	Aerosols	17
40		
41	Non-aerosol	
42	(except solid or paste)	3
43		
44	General Purpose Cleaners:	
45		
46	Aerosols	8
47		

1	Non-aerosols	4
2		
3	General Purpose	
4	Degreasers:	
5		
6	Aerosols	10
7		
8	Non-aerosols	4
9		
10	Glass Cleaners:	
11		
12	Aerosols	12
13		
14	Non-aerosols	4
15		
16	Graffiti Remover:	
17		
18	Aerosols	50
19		
20	Non-aerosols	30
21		
22	Hair mousses	6
23		
24	Hair shines	55
25		
26	Hairsprays	55
27		
28	Hair styling gels	6
29		
30	Hair Styling Products:	
31		
32	Aerosol and pump sprays	6
33		
34	All other forms	2
35		
36	Heavy-duty hand	8
37	cleaners or soaps	
38		
39	Insecticides:	
40		
41	Crawling bug	15
42	(aerosol)	
43		
44	Crawling bug	20
45	(all other forms)	
46		
47	Flea and tick	25

1		
2	Flying bug	25
3	(aerosol)	
4		
5	Flying bug	35
6	(all other forms)	
7		
8	Foggers	45
9		
10	Lawn and garden	20
11	(all other forms)	
12		
13	Lawn and garden	3
14	(non-aerosol)	
15		
16	Wasp and hornet	40
17		
18	Laundry Prewashes:	
19		
20	Aerosols/solids	22
21		
22	All other forms	5
23		
24	Laundry starch	4.5
25	products	
26		
27	Metal polishes/	30
28	cleansers	
29		
30		
31	Multi-Purpose lubricants	50
32	(excluding solid or	
33	semi-solid products)	
34		
35	Multi-purpose Solvent	3
36		
37	Nail Polish Removers	1
38		
39	Non-selective terrestrial	
40	herbicides, non-aerosols	3
41		
42	Oven or Grill Cleaners:	
43		
44	Aerosols/pump sprays	8
45		
46	<del>Liquids</del>	<del>5</del>
47		

1	-]Non-aerosols	4	
2			
3	Paint remover or	50	
4	strippers		
5			
6	Paint Thinner	<u>30</u>	[3] <u>3</u>
7			
8	Penetrants	50	
9	Rubber [ <del>and</del> ] <u>or</u> Vinyl		
10	Protectants:		
11			
12	Aerosols		10
13			
14	Non-aerosols	3	
15			
16	Sanitizer:		
17			
18	Aerosol	70	
19			
20	Non-aerosols	1	
21			
22	Sealants and	4	
23	caulking compounds		
24			
25	Shaving creams	5	
26			
27	Shaving gel	4	
28			
29	Silicone-based multi-	60	
30	purpose lubricants		
31	(excluding solid or		
32	semi-solid products)		
33			
34	Spot Removers:		
35			
36	Aerosols	25	
37			
38	Non-aerosols	8	
39			
40	Temporary hair color	55	
41	aerosol		
42			
43	Tire sealants and	20	
44	inflators		
45			
46	Toilet/urinal care:		
47			

1	Aerosols	10
2		
3	Non-aerosol	3
4		
5	Undercoatings, aerosols	40
6		
7	Wood Cleaner:	
8		
9	Aerosol	17
10		
11	Non-Aerosol	4
12		

(2) For consumer products for which the label, packaging, or accompanying literature specifically states that the product should be diluted with water or non-VOC solvent prior to use, the limits specified in Table 1 shall apply to the product only after the minimum recommended dilution has taken place. For purposes of this subsection, "minimum recommended dilution" shall not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard to remove soils or stains.

(3) For consumer products for which the label, packaging, or accompanying literature states that the product should be diluted with any VOC solvent prior to use, the limits specified in Table 1 shall apply to the product only after the maximum recommended dilution has taken place.

(4) Effective September 1, 2016, no person shall sell, supply, offer for sale, or manufacture for use any aerosol adhesive, adhesive removers, and graffiti removers that contain methylene chloride, perchloroethylene, or trichloroethylene.

Sell-through products of aerosol adhesive, adhesive removers, and graffiti removers that contain methylene chloride, perchloroethylene, or trichloroethylene and were manufactured before ~~January~~ September 1, 2016, may be sold, supplied, or offered for sale so long as the product container or package displays the date on which the product was manufactured.

(5) No person shall sell, supply, offer for sale, or manufacture any floor wax stripper unless the following requirements are met:

(a) The label of each non-aerosol floor wax stripper shall specify a dilution ratio for light or medium build-up of polish that results in an as-used VOC concentration of 3% by weight or less.

(b) If a non-aerosol floor wax stripper is also intended to be used for removal of heavy build-up of polish, the label of that floor wax stripper shall specify a dilution ratio for heavy build-up of polish that results in an as-used VOC concentration

1 of 12% by weight or less.

2 (6) Products containing ozone-depleting compounds. For  
3 any consumer product for which standards are specified under  
4 R307-357-4, no person shall sell, supply, offer for sale, or  
5 manufacture for sale any consumer product that contains any of  
6 the following ozone-depleting compounds:

- 7 (a) CFC 11 (trichlorofluoromethane);
- 8 (b) CFC 12 (dichlorodifluoromethane);
- 9 (c) CFC 113 (1,1,1 trichloro 2,2,2 trifluoroethane);
- 10 (d) CFC 114 (1 chloro 1,1 difluoro 2 chloro 2,2  
11 difluoroethane);
- 12 (e) CFC 115 (chloropentafluoroethane);
- 13 (f) Halon 1211 (bromochlorodifluoromethane);
- 14 (g) Halon 1301 (bromotrifluoromethane);
- 15 (h) Halon 2402 (dibromotetrafluoroethane);
- 16 (i) HCFC 22 (chlorodifluoromethane);
- 17 (j) HCFC 123 (2,2 dichloro 1,1,1 trifluoroethane);
- 18 (k) HCFC 124 (2 chloro 1,1,1,2 tetrafluoroethane);
- 19 (l) HCFC 141b (1,1 dichloro 1 fluoroethane);
- 20 (m) HCFC 142b (1 chloro 1,1 difluoroethane);
- 21 (n) 1,1,1 trichloroethane; and
- 22 (o) Carbon tetrachloride.

23 (6) The requirements of R307-357-4(6) shall not apply to  
24 any existing product formulation that complies with Table 1 or  
25 any existing product formulation that is reformulated to meet  
26 the standards set in Table 1, provided the ozone-depleting  
27 compound content of the reformulated product does not increase.

28 (7) The requirements of R307-357-4(6) shall not apply to  
29 any ozone-depleting compounds that may be present as impurities  
30 in a consumer product in an amount equal to or less than 0.01%  
31 by weight of the product.

### 32 33 **R307-357-5. Charcoal Lighter Material Products**

34 No person shall sell, supply, or offer for sale any  
35 charcoal lighter material products unless the product has been  
36 issued and conforms to the conditions in a currently effective  
37 certification issued by the CARB pursuant to the provisions of  
38 17 CCR 94509(h) as of the effective date of R307-357. A copy of  
39 the CARB certification decision shall be submitted to the  
40 director upon request.

### 41 42 **R307-357-6. Exemptions.**

43 (1) R307-357 shall not apply to any consumer product  
44 manufactured for shipment and use outside of the counties  
45 specified in R307-357-2 as long as the manufacturer or  
46 distributor can demonstrate both that the consumer product is  
47 intended for shipment and use outside of the applicable counties

1 and that the manufacturer or distributor has taken reasonable  
2 prudent precautions to assure that the consumer product is not  
3 distributed to the applicable counties.

4 (2) The medium volatility organic compound (MVOC) content  
5 standards specified in Table 1 for antiperspirants or deodorants  
6 shall not apply to ethanol.

7 (3) The VOC limits specified in Table 1 shall not apply to  
8 fragrances up to a combined level of 2% by weight contained in  
9 any consumer product and shall not apply to colorants up to a  
10 combined level of 2% by weight contained in any antiperspirant  
11 or deodorant.

12 (4) The requirements in Table 1 for antiperspirants or  
13 deodorants shall not apply to those VOCs that contain more than  
14 ten carbon atoms per molecule and for which the vapor pressure  
15 is unknown, or that have a vapor pressure of two mm Hg or less  
16 at 20 degrees Celsius.

17 (5) The VOC limits specified in Table 1 shall not apply to  
18 any LVP-VOC.

19 (6) The requirements of R307-357-10 shall not apply to  
20 consumer products registered under the Federal Insecticide,  
21 Fungicide, and Rodenticide Act, (FIFRA; 7 U.S.C. Section  
22 136/136y).

23 (7) The VOC limits specified in Table 1 shall not apply to  
24 air fresheners that are comprised entirely of fragrance, less  
25 compounds, not defined as VOCs or exempted under R307-357-6.

26 (8) The VOC limits specified in Table 1 shall not apply to  
27 air fresheners and insecticides containing at least 98%  
28 paradichlorobenzene.

29 (9) The VOC limits specified in Table 1 shall not apply to  
30 adhesives [~~sold~~] in containers of one fluid ounce or less.

31 (10) The VOC limits specified in Table 1 shall not apply  
32 to bait station insecticides.

### 33 34 **R307-357-7. Innovative Products.**

35 (1) Consumer products that have been granted an innovative  
36 products exemption by the CARB under provisions of 17 CCR 94511  
37 as of the effective date of R307-357, shall be exempt from the  
38 VOC content limits in listed in Table 1 for the period of time  
39 that the innovative product exemption remains in effect.

40 (2) Any manufacturer claiming such an exemption shall  
41 submit to the director upon request, a copy of the CARB  
42 exemption decision, including all conditions established by CARB  
43 applicable to the exemption before the date that the product is  
44 first marketed in the applicable counties.

### 45 46 **R307-357-8. Alternate Control Plan (ACP).**

47 (1) Any manufacturer of consumer products who has been



1 granted an ACP agreement by the CARB under provisions of 17 CCR  
2 94540-94555 as of the effective date of R307-357 shall be  
3 exempt from complying with the VOC content limits established in  
4 Table 1 for the period of time that the ACP agreement remains in  
5 effect.

6 (2) Any manufacturer claiming an ACP agreement shall  
7 submit upon request to the director a copy of the ACP decision,  
8 including all conditions applicable to the exemption before the  
9 date that the product is first marketed in the applicable  
10 counties.

#### 11 12 **R307-357-9. Variances.**

13 (1) Consumer products that have been granted a variance by  
14 the CARB under the provisions of 17 CCR 9451[4] as of the  
15 effective date of this rule shall be exempt from complying with  
16 the VOC content limits established in Table 1 for the period of  
17 time that the variance remains in effect.

18 (2) Any person claiming a variance shall submit a copy of  
19 the variance decision to the director upon request, including  
20 all conditions applicable to the variance before the date that  
21 the product is first marketed in the applicable counties.

#### 22 23 **R307-357-10. Administrative Requirements.**

24 (1) Product Dating. Each manufacturer of a consumer  
25 product subject to the standards established in Table 1 shall  
26 clearly display on each consumer product container or package,  
27 the day, month, and year on which the product was manufactured,  
28 or a code indicating such date.

29 (a) A manufacturer who uses the following code to indicate  
30 the date of manufacture shall not be subject to the requirements  
31 of R307-357-10(3)[(a)] if the code is represented separately  
32 from other codes on the product container so that it is easily  
33 recognizable:

34  
35 YY DDD = year year day day day

36  
37 Where:

38 "YY" = two digits representing the year in which the  
39 product was manufactured, and

40 "DDD" = three digits representing the day of the year on  
41 which the product was manufactured, with "001" representing  
42 the first day of the year, "002" representing the second day  
43 of the year, and so forth (i.e. the "Julian date").

44  
45 (b) The date information shall be located on the container  
46 or inside the cover or cap so that it is readily observable or  
47 obtainable by simply removing the cap or cover without

1 disassembling any part of the container or packaging.

2 (c) The date information shall be displayed on each  
3 consumer product container or package no later than twelve  
4 months prior to the effective date of the applicable standard  
5 specified in Table 1.

6 (d) No person shall erase, alter, deface or otherwise  
7 remove or make illegible any date from any regulated product  
8 container without the express authorization of the manufacturer.

9  
10 (2) The requirements of this provision shall not apply to  
11 products containing no VOCs or to products containing VOCs at  
12 0.10% by weight or less.

13 (3) If a manufacturer uses a code indicating the date of  
14 manufacture, for any consumer product subject to R307-357-4, an  
15 explanation of the date portion of the code shall be supplied to  
16 the director within 30 day of written request.

17 (4) Notwithstanding the definition of product category in  
18 R-307-357-3, if anywhere on the container or packaging of any  
19 consumer product manufactured on or after the effective date  
20 specified in Table 1, or one year thereafter for any FIFRA-  
21 registered insecticide, or on any sticker or label affixed  
22 thereto, any representation is made that the product may be used  
23 as, or is suitable for use as, a consumer product for which a  
24 lower VOC limit is specified in R307-357-4, then the lowest VOC  
25 limit shall apply. This requirement does not apply to general  
26 purpose cleaners, antiperspirant/deodorant products or  
27 insecticide foggers.

28 (5) Notwithstanding the provisions of R307-357-10(4), a  
29 product that makes ancillary disinfecting, sanitizing, or  
30 antimicrobial claims on the label is not subject to the VOC  
31 standards for disinfectant or sanitizer if the product is  
32 designed and labeled on the principal display panel as a  
33 bathroom and tile cleaner, carpet/upholstery cleaner,  
34 fabric refresher, general purpose cleaner, glass cleaner,  
35 metal polish or cleanser.

### 36 37 **R307-357-11. Reporting Requirements.**

38 (1) Upon 90 days written notice, the director may require  
39 any responsible party to report information for any consumer  
40 product or products the director may specify including, but not  
41 limited to, all or part of the following information:

42 (a) The name of the responsible party and the party's  
43 address, telephone number, and designated contact person;

44 (b) The product brand name for each consumer product  
45 subject to registration and the product label;

46 (c) The product category to which the consumer product  
47 belongs;

- 1 (d) The applicable product forms listed separately;
- 2 (e) An identification of each product brand name and form
- 3 as a "household product," "I&I Product," or both;
- 4 (f) Separate sales applicable counties in pounds per year,
- 5 to the nearest pound, and the method used to calculate the sales
- 6 for each product form;
- 7 (g) For registrations submitted by two companies, an
- 8 identification of the company that is submitting relevant data
- 9 separate from that submitted by the responsible party;
- 10 (h) For each product brand name and form, the net percent
- 11 by weight of the total product, less container and packaging,
- 12 comprised of the following, rounded to the nearest one tenth of
- 13 a percent:
  - 14 (i) Total non-VOC compounds.
  - 15 (ii) Total LVP-VOCs that are not fragrances.
  - 16 (iii) Total all other carbon containing compounds that are
  - 17 not fragrances.
  - 18 (iv) Total all non-carbon containing compounds.
  - 19 (v) Total fragrance.
  - 20 (vi) For products containing greater than two% by weight
  - 21 fragrance:
    - 22 (A) The percent of fragrance that are LVP-VOCs; and
    - 23 (B) The percent of fragrance that are all other carbon
    - 24 containing compounds.
  - 25 (vii) Total paradichlorobenzene.
  - 26 (i) For each product brand name and form, the identity,
  - 27 including the specific chemical name and associated chemical
  - 28 abstract services (CAVES) number, of the following:
    - 29 (i) Each non-VOC Compound; and
    - 30 (ii) Each LVP-VOC that is not a fragrance.
    - 31 (j) If applicable, the weight percent comprised of
    - 32 propellant for each product;
    - 33 (k) If applicable, an identification of the type of
    - 34 propellant (Type A, Type B, Type C, or a blend of the different
    - 35 types).
  - 36 (2) In addition to the requirements of section R307-357-
  - 37 11(1), the responsible party shall report or shall arrange to
  - 38 have reported to the director the net percent by weight of each
  - 39 ozone-depleting compound which is:
    - 40 (a) Listed in R307-357-4(6); and
    - 41 (b) Contained in a product subject to registration under
    - 42 R307-357-11(1) in any amount greater than 0.1 percent by weight.
    - 43 (3) For the purpose of R307-357-11 "product form" means
    - 44 the applicable form which most accurately describes the
    - 45 product's dispensing form as follows:
      - 46 A = Aerosol Product
      - 47 S = Solid

P = Pump Spray  
L = Liquid  
SS = Semisolid  
O = Other

**R307-357-12. Special Reporting Requirements for Consumer Products that Contain Perchloroethylene or Methylene Chloride.**

(1) The requirements of R307-357-12 shall apply to all responsible parties for consumer products that are subject to the standards established in Table 1 and contain perchloroethylene or methylene chloride.

(a) For the purposes of this subsection, a product contains perchloroethylene or methylene chloride if the product contains 1.0% or more by weight (exclusive of the container or packaging) of either perchloroethylene or methylene chloride.

(2) For each consumer product that contains perchloroethylene or methylene chloride, upon request from the director, the responsible party shall report the following information for products sold in the applicable counties within 90 days written notice:

(a) The product brand name and a copy of the product label with legible usage instructions;

(b) The product category to which the consumer product belongs;

(c) The applicable product forms (listed separately);

(d) For each product form listed in R307-357-12(2)(c), the total sales in the applicable counties during the calendar year, to the nearest pound (exclusive of the container or packaging), and the method used for calculating the sales; and

(e) The weight percent, to the nearest 0.10 percent, of perchloroethylene and methylene chloride in the consumer product.

**R307-357-13. Test Methods.**

Testing to determine compliance with the requirements of this regulation shall be performed using the CARB Method 310, Determination of Volatile Organic Compounds in Consumer Products, which is herein incorporated by reference.

**R307-357-14. VOC Content Determinations Using Product Formulation and Records.**

(1) Testing to determine compliance with the requirements of R307-357 may also be demonstrated through calculation of the VOC content from records of the amounts of constituents used to make the product pursuant to the following criteria:

(a) Compliance determinations based on these records may not be used unless the manufacturer of a consumer product keeps

1 accurate records for each day of production of the amount and  
2 chemical composition of the individual product constituents, and  
3 these records must be kept for at least three years.

4 (b) For the purposes of R307-357-13, the VOC content shall  
5 be calculated according to the following equation:

6  
7 
$$\text{VOC Content} = ((B-C)/A) \times 100$$

8 where, A = total net weight of unit (excluding container  
9 and packaging)

10 B = total weight of all VOCs, as defined in Table 1, per  
11 unit

12 C = total weight of VOCs exempted under R307-357-6, per  
13 unit

14 (c) If product records appear to demonstrate compliance  
15 with the VOC limits, but these records are contradicted by  
16 product testing performed using CARB Method 310, the results of  
17 CARB Method 310 shall take precedence over the product records  
18 and may be used to establish a violation of the requirements of  
19 this regulation.

20  
21 **R307-357-15. Determination of liquid or solid.**

22 Testing to determine whether a product is a liquid or solid  
23 shall be performed using ASTM D4359- 90 (20[~~00~~]12).  
24

25 **KEY: air pollution, consumer product**

26 **Date of Enactment or Last Substantive Amendment: 2013**

27 **Authorizing, and Implemented or Interpreted Law: 19-2-101**